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OFFICE OF PETITIONS

In re Application of
Terry Martin
Application No. 10/091,974
Filed: March 6, 2002
Attorney Docket No. P50-0074

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed August 15, 2003 and January 7, 2005. The petition was recently forwarded to this office for consideration.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and publication fee, if applicable, on or before July 7, 2003. Accordingly, this application became abandoned on July 8, 2003. A Notice of Abandonment was mailed on August 7, 2003.

Petitioner asserts the Office communication was not received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Withdrawing the Holding of Abandonment When Office Actions Are Not Received; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

The required statements and docket records have been submitted and considered.

In view thereof, the Notice of Abandonment is hereby vacated, and the holding of abandonment is withdrawn. A new Notice of Allowance and Fee(s) Due will be mailed and the period for reply will be re-started.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 2855 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff for mailing of a new Notice of Allowance and Fee(s) Due, as well as, for re-mailing of the Notice of Allowability. The three (3) month nonextendable time period for responding to the Notices, including paying the Issue Fee, will be set to run from the mailing date of the new Notices.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

A handwritten signature in black ink, appearing to read 'E. Tannouse', followed by a long horizontal flourish line.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy